

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) CRIM. NO. 1:18-CR-151
)
 v.) (Judge RAMBO)
)
 HAIXI SHENG,) (Electronically Filed)
 Defendant.

INDICTMENT

THE GRAND JURY CHARGES:

INTRODUCTION

FILED
HARRISBURG, PA
MAY 2 2018
PER U
DEPUTY CLERK

1. The Gulf Coast box turtle (*terrapene carolina major*), is a terrestrial turtle native to swamps and estuaries near shallow permanent bodies of water and is naturally distributed along the Gulf Coast region from Louisiana through Florida. Gulf Coast box turtles are relatively long lived and slow to reproduce.

2. The Endangered Species Act ("ESA"), Title 16, United States Code, Section 1531 *et seq.*, prohibits persons subject to the jurisdiction of the United States to engage in any trade in any specimens contrary to the ESA and the regulations promulgated thereunder.

3. The ESA also provides for the enforcement of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

("CITES"), by regulation. This international treaty, to which the United States and China are signatories, prohibits the export of listed species without a valid permit issued by the U.S. Fish and Wildlife Service ("USFWS.") CITES is implemented under the authority of the ESA and the regulations promulgated thereunder (16 U.S.C. § 1538(c); 50 C.F.R. parts 14 and 23).

4. An animal species listed as protected under CITES cannot be imported or exported from the United States without prior notification to, and approval from, USFWS.

5. Species protected under CITES are listed in a series of appendices (Appendices I, II, and III.) Appendix I include species threatened with extinction. International trade in Appendix I species for commercial purposes is essentially prohibited. Appendix II includes species that, although currently not threatened with extinction, may become so without trade controls. Appendix III species are not necessarily endangered but are managed by the listing state. Commercial trade in these species is allowed when accompanied by a valid foreign export permit or certificate.

6. In order to manage increasing international trade pressures on wild populations of Gulf Coast box turtles, this species, along with all other species of box turtles native to the United States, were added to CITES on February 16, 1995, as an Appendix II species, requiring a permit from the country of export, here the United States, at the time of transit.

7. At no time relevant to this Indictment did the defendant, Haixi Sheng, apply for or receive ESA or CITES permits authorizing the exportation of the aforementioned species of wildlife from the United States to China.

COUNT I

(Smuggling Goods from the United States)
(18 U.S.C. Section 554(a))

8. The allegations set forth in the Introduction to this Indictment are incorporated herein by reference and realleged as if fully set forth herein.

9. On or about November 29, 2017, in Cumberland County, Pennsylvania, within the Middle District of Pennsylvania, and elsewhere, the defendant,

HAIXI SHENG,

did fraudulently and knowingly export and send from the United States, merchandise, that is eight Gulf Coast box turtles, contrary to law, in that the defendant exported and sent the merchandise from the United States without first having obtained ESA and CITES permits, in violation of the Endangered Species Act, Title 16, United States Code, Sections 1538(c) and did aid, abet, counsel, command, induce, and procure the same.

All in violation of Title 18, United States Code, Section 554(a) and
Title 18, United States Code, Section 2.

A TRUE BILL



FOREPERSON, GRAND JURY

DAVID J. FREED
UNITED STATES ATTORNEY

By: *Brian G. McDonnell*
BRIAN G. McDONNELL
SPECIAL ASSISTANT
U.S. ATTORNEY

5/2/18
DATE